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10/759,634	01/16/2004	Daniel Richard Monroe	42P11621C	1217
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EXAMINER				
TORRES, JUAN A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,634

Applicant(s)

MONROE ET AL.

Examiner

JUAN A. TORRES

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-55 and 62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-55 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 23-55 and 62 is withdrawn in view of the newly discovered reference(s) to Fennell (US 5418524 A). Rejections based on the newly cited reference(s) follow.

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-27, 29-35, 37-44, 46-54 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) view of PCCA standard STD-101 Annex f "Data Transmission Systems and Equipment - Serial Asynchronous Automatic Dialing and Control for Character Mode DCE on Wireless Data Services - Annex F: Miscellaneous Commands", PCCA, October 1994, pages 1-10) (using Fennell (US 5418524 A) for inherency).

Regarding claims 23, and 50 AAPA discloses a laptop computer (figure 1 block 104 paragraphs [0006], [0007]); and a wireless modem coupled to the laptop computer,

the wireless modem including a processor (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); at least one memory coupled to the processor, the at least one memory including a software including instructions to cause the processor to implement a wireless protocol (figure 1 block 108 inherently includes a memory, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); a RF transceiver coupled to the processor (figure 1 block 108 inherently includes a transceiver, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); and an interface coupled to the processor, the interface to receive signals from a user equipment (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); wherein the processor is to process the signals received from the user equipment over the interface (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency); and wherein the processor is further to process one or more short message service messages received through the RF transceiver (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036], see also Fennell (US 5418524 A) figure 1 for inherency). AAPA doesn't disclose modem management information. STD-101 discloses in the annex f managing information where the modem management message includes program code that can execute on a wireless modem using AT command for wireless modems (pages

1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claims 24 and 51, AAPA and STD-101 disclose claims 23 and 50, STD-101 also discloses wireless modem configuration parameters (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claims 25 and 52, AAPA and STD-101 disclose claims 23 and 50, STD-101 also discloses a command for wireless modem to perform a function stored internally to the wireless modem (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claims 26 and 53, AAPA and STD-101 disclose claims 23 and 50, AAPA also discloses that processor processes the one or more short message service messages received through the RF transceiver by parsing data from the one or more of the short message service messages (figure 1 block 108 inherently includes a processor, see figure 7 block 708; paragraphs [0006], [0007] and [0036], see also Fennell (US 5418524 A) figure 1 for inherency). At the time of the invention it would be obvious to one of ordinary skill in the art to include an indicator in the SMS to indicate that and AT command is being sent to the modem so the command is passed directly to the modem, because the information is directly for the modem. To send the command to the laptop and back to the modem will increase the complexity of the system, at least will be obvious to try to access the data directly to the modem.

Regarding claims 27 and 54, AAPA and STD-101 disclose claims 23 and 50, and AAPA also discloses a global system for mobile communications protocol (paragraphs [0004]-[0007].

Regarding claim 29, AAPA and STD-101 disclose claim 23, AAPA also discloses memory holds modem software to allow the processor to handle the one or more short message service messages including the modem information received through the RF transceiver (figure 1 block 108 inherently includes a memory, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency). STD-101 also discloses in the annex f managing information where the modem management message includes program code that can execute on a wireless modem using AT command for wireless modems (pages 1-10). AAPA and STD-101 are

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analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claim 30, AAPA and STD-101 disclose claim 23, AAPA also discloses that the user equipment is external to the device (figure 1 block 104 paragraphs [0006], [0007]).

Regarding claim 31, AAPA and STD-101 disclose claim 23, AAPA also discloses a receptacle to receive a line coupled to the user equipment (figure 1 block 106 paragraphs [0006], [0007]).

Regarding claims 32 and 41 AAPA discloses receiving a short message service message at a wireless modem (figure 1 block 110 paragraphs [0006], [0007]); examining the short message service message (figure 1 block 108 paragraphs [0006], [0007]); passing the short message service message through the wireless modem when the short message service message does not include the modem management information (figure 1 block 128 132 paragraphs [0006], [0007]). AAPA doesn't disclose modem management information. STD-101 discloses in the annex f managing information where the modem management message includes program code that can execute on a wireless modem using AT command for wireless modems (pages 1-10). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to

a person of ordinary skill in the art to indicate that an AT command is being sent to the modem so the command is passed directly to the modem, because the information is directly for the modem. To send the command to the laptop and back to the modem will increase the complexity of the system, at least will be obvious to try to access the data directly to the modem.

Regarding claims 33 and 42, AAPA and STD-101 disclose claims 32 and 41. At the time of the invention it would be obvious to one of ordinary skill in the art to parsing the short message service message and testing the parsed short message service message for a modem management command indicator, the command indicator indicating whether the short message service message includes the modem management information so the command is passed directly to the modem, because the information is directly for the modem. To send the command to the laptop and back to the modem will increase the complexity of the system, at least will be obvious to try to access the data directly to the modem.

Regarding claims 34 and 43, AAPA and STD-101 disclose claims 32 and 41. STD-101 also discloses initializing the wireless modem based upon the modem management information

Regarding claims 35 and 44, AAPA and STD-101 disclose claims 32 and 41. STD-101 also discloses checking a quality of a wireless signal detected at the wireless modem (page 4 section 4.1.4). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the

SMS messages disclosed by AAPA the quality of the channel disclosed by STD-101. The suggestion/motivation for doing so would have been to control the channel of wireless modem remotely using a wireless connection.

Regarding claims 37 and 46, AAPA and STD-101 disclose claims 32 and 41 AAPA also discloses selecting a RF Channel for wireless communications on the wireless modem (paragraphs [0004]-[0007]. The GSM inherently discloses the use of an RF channel).

Regarding claims 38 and 47, AAPA and STD-101 disclose claims 32 and 41 AAPA also discloses authenticating a party sending short message service messages to the wireless modem (paragraphs [0006]-[0007]. The GSM SMS inherently discloses the party authenticating).

Regarding claims 39 and 48, AAPA and STD-101 disclose claims 32 and 41 STD-101 also discloses initializing communication parameters for event detection and notification (pages 1-10. AT commands are commands for even detection and notification). AAPA and STD-101 are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA the management information disclosed by STD-101. The suggestion/motivation for doing so would have been to control the wireless modem remotely using a wireless connection.

Regarding claims 40 and 49, AAPA and STD-101 disclose claims 32 and 41. AAPA also discloses a global system for mobile communications protocol (paragraphs [0004]-[0007]).

Regarding claim 62, AAPA and STD-101 disclose claim 41. AAPA also discloses a memory (figure 1 block 108 inherently includes a memory, see figure 7 block 708; paragraphs [0006], [0007] and [0036]. See also Fennell (US 5418524 A) figure 1 for inherency).

Claims 28 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and STD-101 as applied to claims 23 and 50 above, and further in view of Cai ("General Packet Radio Services in GSM", IEEE Communications, Vol. 35, Issue 10, (Oct. 1997), pages 122-131").

Regarding claims 28 and 55, AAPA and STD-101 disclose claims 23 and 50, AAPA and STD-101 don't specifically disclose a general packet radio services protocol. Cai discloses a general packet radio services protocol (pages 123-127). AAPA, STD-101 and Cai are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA and STD-101 the GPRS protocol disclosed by Cai. The suggestion/motivation for doing so would have been to efficiently accommodate data sources that are burst in nature (Cai abstract).

Claims 36 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and STD-101 as applied to claims 32 and 41 above, and further in view of

NTT ("Proposal for external interface", SMG4/TSG-CN3/TSG-T2 London, 15-19 March 1999).

Regarding claims 36 and 45, AAPA and STD-101 disclose claims 32 and 41. AAPA and STD-101 don't specifically disclose a request for a call log history. NTT discloses a request for a call log history (page 21 No. 81). AAPA, STD-101 and NTT are analogous art because they are from the same field of endeavor of wireless modem. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate in the SMS messages disclosed by AAPA and STD-101 the call log disclosed by NTT. The suggestion/motivation for doing so would have been to obtain the log of the calls.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) NTT ("Comparison Tables about AT Commands of T2-99056 and GSM07.07 and Change Reasons", SMG4/TSG-CN3/TSG-T2, London, 15-19 March 1999 TSGT2#2(99)059) discloses that AT commands of GSM07.07 should be changed a little for the 3G Mobile system.

b) NTT ("Comparison table about the AT commands of T2-99056 and GSM07.07", SMG4/TSG-CN3/TSG-T2, London, 15-19 March 1999 TSGT2#2(99)058)

c) ETSI SMG4 ("Moving AT commands to 07.07 for 07.60 handover to SMG3 / 3GPP TSG CN WG3", TSGT2-99233-a, London, 15-19 March 1999, Date: 15/3/99)

d) ETSI SMG4 ("Moving AT commands to 07.07 for 07.60 handover to SMG3 / 3GPP TSG CN WG3", TSGT2-99233, London, 15-19 March 1999, Date: 15/3/99)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUAN A. TORRES whose telephone number is (571)272-3119. The examiner can normally be reached on 8-6 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Juan Alberto Torres
5/13/2008
/Juan A Torres/
Examiner, Art Unit 2611